

Senate File 561

H-1333

1 Amend Senate File 561, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 62, line 17, by striking <subsection 1, within the
4 same period> and inserting <subsection 1>

5 2. Page 77, after line 35 by inserting:

6 <DIVISION ____

7 SAFE HAVEN ACT HARMONIZATION

8 Sec. ____ . Section 233.2, Code 2023, is amended to read as
9 follows:

10 **233.2 Newborn infant custody release procedures.**

11 1. *a.* A parent of a newborn infant may voluntarily release
12 custody of the newborn infant by as follows:

13 (1) By relinquishing physical custody of the newborn
14 infant, without expressing an intent to again assume physical
15 custody, at an institutional health facility or a fire station,
16 to an adoption service provider, or by authorizing another
17 person to relinquish physical custody on the parent's behalf.
18 If physical custody of the newborn infant is not relinquished
19 directly to an individual on duty at the an institutional
20 health facility or a fire station, or to an adoption service
21 provider, the parent may take other actions to be reasonably
22 sure that an the individual on duty or the adoption service
23 provider is aware that the newborn infant has been left at
24 the institutional health facility, the fire station, or the
25 location of the adoption service provider. The actions may
26 include but are not limited to making telephone contact with
27 the institutional health facility, the fire station, or the
28 adoption service provider, or a 911 service.

29 (2) By relinquishing physical custody of the newborn infant
30 to medical staff at a hospital or other facility following
31 delivery of the newborn infant in the hospital or other
32 facility when the parent notifies the medical staff that the
33 parent is voluntarily relinquishing physical custody of the
34 newborn infant without expressing an intent to again assume
35 physical custody.

1 medical history information to comply with [this section](#). The
2 individual on duty or the medical staff, the adoption service
3 provider, or the first responder who takes physical custody of
4 the newborn infant may perform reasonable acts necessary to
5 protect the physical health or safety of the newborn infant.
6 The individual on duty ~~and~~ or the medical staff, the adoption
7 service provider, and the first responder to whom physical
8 custody of the newborn infant was relinquished, and the
9 institutional health facility ~~in,~~ the emergency medical care
10 provider location, and the fire station at which the individual
11 ~~was on duty and the first responder~~ physical custody of the
12 newborn infant was relinquished are immune from criminal or
13 civil liability for any acts or omissions made in good faith to
14 comply with [this section](#).

15 *b.* If the physical custody of a newborn infant is
16 relinquished at an emergency medical care provider location or
17 a fire station, to an adoption service provider, or to a first
18 responder, the individual on duty at the emergency medical
19 care provider location or the fire station, the adoption
20 service provider, or the first responder who responded to the
21 911 telephone call shall transport the newborn infant to the
22 nearest institutional health facility. The individual on duty
23 at the emergency medical care provider location or the fire
24 station, the adoption service provider, or the first responder
25 who took physical custody of the newborn infant shall provide
26 any parental identification or medical history information to
27 the institutional health facility.

28 *c.* If the physical custody of the newborn infant is
29 relinquished at an institutional health facility, the state
30 shall reimburse the institutional health facility for the
31 institutional health facility's actual expenses in providing
32 care to the newborn infant and in performing acts necessary to
33 protect the physical health or safety of the newborn infant.
34 The reimbursement shall be paid from moneys appropriated for
35 this purpose to the department ~~of human services~~.

1 *d.* If the name of the parent is unknown to the institutional
2 health facility, the individual on duty at the institutional
3 health facility or other person designated by the institutional
4 health facility at which physical custody of the newborn infant
5 was relinquished shall submit the certificate of birth report
6 as required pursuant to [section 144.14](#). If the name of the
7 parent is disclosed to the institutional health facility,
8 the facility shall submit the certificate of birth report as
9 required pursuant to [section 144.13](#). The department ~~of public~~
10 ~~health~~ shall not file the certificate of birth with the county
11 of birth and shall otherwise maintain the confidentiality of
12 the birth certificate in accordance with [section 144.43](#).

13 3. *a.* As soon as possible after the individual on duty
14 or the medical staff, the adoption service provider, or the
15 first responder assumes physical custody of a newborn infant
16 released under [subsection 1](#), and, if applicable, the individual
17 on duty at the emergency medical care provider location
18 or the fire station, the adoption service provider, or the
19 first responder transports the newborn infant to the nearest
20 institutional health facility under subsection 2, paragraph
21 "b", the individual ~~or~~ on duty or the medical staff shall notify
22 either the department or an adoption service provider and the
23 first responder shall notify the department ~~of human services~~
24 and the. The department or the adoption service provider shall
25 take the actions necessary to assume the care, control, and
26 custody of the newborn infant. ~~The~~ as follows:

27 (1) If physical custody of the newborn infant was not
28 initially relinquished to an adoption service provider,
29 the department shall immediately notify the juvenile court
30 and the county attorney of the department's action and the
31 circumstances surrounding the action and request an ex parte
32 order from the juvenile court ordering, in accordance with the
33 requirements of [section 232.78](#), [subsection 9](#), the department
34 to take custody of the newborn infant. Upon receiving the
35 order, the department shall take custody of the newborn

1 infant. After the department takes custody of the newborn
2 infant, notwithstanding any provision to the contrary relating
3 to priority placement of the child under section 232.78, the
4 department shall, if feasible, place the newborn infant in
5 a prospective adoptive home. The department shall maintain
6 a list of prospective adoptive homes that have completed
7 placement investigations and have been preapproved by the
8 department or a certified adoption investigator.

9 (2) If physical custody of the newborn infant was initially
10 relinquished to an adoption service provider, the adoption
11 service provider shall immediately notify the juvenile court
12 and the county attorney of the adoption service provider's
13 action and the circumstances surrounding the action and
14 request an ex parte order from the juvenile court ordering, in
15 accordance with the requirements of section 232.78, subsection
16 9, the adoption service provider to take custody of the
17 newborn infant. Upon receiving the order, the adoption service
18 provider shall take custody of the newborn infant.

19 b. Within twenty-four hours of the department or the
20 adoption service provider taking custody of the newborn infant,
21 the department or the adoption service provider shall notify
22 the juvenile court and the county attorney in writing of the
23 department's or adoption service provider's action and the
24 circumstances surrounding the action.

25 c. Within twenty-four hours of the adoption service provider
26 taking custody of the newborn infant, the adoption service
27 provider shall notify the department in writing that the
28 adoption service provider has taken custody of the newborn
29 infant and will comply with the requirements of chapter 233.

30 4. a. Upon being notified in writing by the department or
31 the adoption service provider under subsection 3, the county
32 attorney shall file a petition alleging the newborn infant to
33 be a child in need of assistance in accordance with section
34 232.87 and a petition for termination of parental rights with
35 respect to the newborn infant in accordance with section

1 232.111, subsection 2, paragraph "a". A hearing on a child in
2 need of assistance petition filed pursuant to [this subsection](#)
3 shall be held at the earliest practicable time. A hearing on a
4 termination of parental rights petition filed pursuant to this
5 subsection shall be held no later than thirty days after the
6 day the physical custody of the newborn child was relinquished
7 in accordance with [subsection 1](#) unless the juvenile court
8 continues the hearing beyond the thirty days for good cause
9 shown.

10 *b.* Notice of a petition filed pursuant to [this subsection](#) by
11 either the department or the adoption service provider shall
12 be provided to any known parent and others in accordance with
13 the provisions of [chapter 232](#) and shall be served upon any
14 putative father registered with the state registrar of vital
15 statistics pursuant to [section 144.12A](#). In addition, prior to
16 holding a termination of parental rights hearing with respect
17 to the newborn infant, notice by publication shall be provided
18 as described in [section 600A.6, subsection 5](#).

19 5. Reasonable efforts, as defined in [section 232.102](#), that
20 are made in regard to the newborn infant shall be limited to
21 the efforts made in a timely manner to finalize a permanency
22 plan for the newborn infant.

23 6. ~~An~~ The individual on duty or the medical staff at an
24 institutional health facility, emergency medical care provider
25 location, or fire station, the adoption service provider, or
26 the first responder who assumes physical custody of a newborn
27 infant upon the release of the newborn infant under subsection
28 1 shall be provided notice of any hearing held concerning
29 the newborn infant at the same time notice is provided to
30 other parties to the hearing and the individual on duty or the
31 medical staff, the adoption service provider, or the first
32 responder may provide testimony at the hearing.

33 Sec. _____. Section 233.6, Code 2023, is amended to read as
34 follows:

35 **233.6 Educational and public information.**

1 The department of ~~human services, in consultation with the~~
2 ~~Iowa department of public health~~ and the department of justice,
3 shall develop and distribute the following:

4 1. An information card or other publication for
5 distribution by an institutional health facility, an emergency
6 medical care provider location, a fire station, an adoption
7 service provider, or a first responder to a parent who releases
8 custody of a newborn infant in accordance with [this chapter](#).

9 The publication shall inform the parent of a parent's rights
10 under [section 233.4](#), explain the request for medical history
11 information under [section 233.2, subsection 2](#), and provide
12 other information deemed pertinent by the departments.

13 2. Educational materials, public information announcements,
14 and other resources to develop awareness of the availability
15 of the newborn safe haven Act and the involvement of adoption
16 service providers among adolescents, young parents, and others
17 who might avail themselves of [this chapter](#).

18 3. Signage that may be used to identify the institutional
19 health facilities, emergency medical care provider locations,
20 fire stations, and adoption service provider locations at which
21 physical custody of a newborn infant may be relinquished in
22 accordance with [this chapter](#).

23 Sec. _____. 2023 Iowa Acts, Senate File 514, section 656,
24 amending section 233.6, unnumbered paragraph 1, Code 2023, as
25 enacted, is amended by striking the section.

26 Sec. _____. 2023 Iowa Acts, House File 425, section 2,
27 amending section 233.2, Code 2023, if enacted, is amended by
28 striking the section.

29 Sec. _____. 2023 Iowa Acts, House File 425, section 4,
30 amending section 233.6, Code 2023, if enacted, is amended by
31 striking the section.

32 Sec. _____. 2023 Iowa Acts, House File 474, section 8,
33 amending section 233.2, Code 2023, if enacted, is amended by
34 striking the section.

35 Sec. _____. 2023 Iowa Acts, House File 474, section 10,

1 amending section 233.6, Code 2023, if enacted, is amended by
2 striking the section.>

3 3. By renumbering as necessary.

FRY of Clarke